



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mark S. Morgan
Executive Director
Petroleum Transportation and Storage Association
Suite 106
Washington D.C. 20016

Dear Mr. Morgan, *Mark*

This letter is in response to our May 22, 1998 telephone conversation regarding section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Specifically you asked me to clarify an issue concerning the employee threshold determinations under EPCRA section 313.

In our discussion you asked a follow-up question to Q&A No. 24 in the Emergency Planning and Community Right-To-Know Act Section 313 Addendum to the Guidance Documents for the Newly Added Industries (EPA 745-B-98-001, February 1998). Specifically you asked if a covered facility can demonstrate through time keeping records that the time worked by employees on-site was in support of another, non-EPCRA section 313 covered facility within the same corporate entity, must the covered facility count the hours worked by these employees towards its own employee threshold. As I stated in our conversation, the covered facility at which the employees work is not required to count these hours toward its own employee threshold.

I hope this information is helpful to you and your constituents in making EPCRA section 313 threshold determinations and release and other waste management calculations. If you have any other questions please call me at 202.260.9592, or Sara Hisel McCoy of my staff at 202.260.7937.

Sincerely,

Maria J. Doa Ph.D., Chief
Toxics Release Inventory Branch

cc: Tim Crawford